

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x		
ANTHONY CORTESE	:	
	:	
Plaintiff,	:	
	:	19-cv-11189 (JSR)
-v-	:	
	:	<u>ORDER</u>
SKANSKA USA INC. et al.	:	
	:	
Defendants.	:	
-----x		

JED S. RAKOFF, U.S.D.J.

Before the Court is defendants' motion to dismiss under Fed. R. Civ. P. 12(b)(6), as well as plaintiff's motion for conditional certification of an FLSA collective.

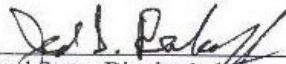
Defendants' motion to dismiss Count One of the complaint is denied. The motion to dismiss Counts Two through Four is granted with prejudice. The motion to dismiss Counts Five through Seven is denied with respect to claims for non-overtime wages and granted with prejudice with respect to claims for overtime wages.

Plaintiff's motion for conditional certification is granted. However, the proposed class notice is rejected insofar as it references an entitlement to the prevailing wage schedule established by New York Labor Law § 220. Since the contract incorporates the prevailing wage schedule set forth under the federal Davis-Bacon Act, the proposed notice must be revised to that effect and submitted to the Court by no later than April 27.

A memorandum explaining the reasons for these rulings will issue in due course. The Clerk of the Court is directed to close the motions at docket numbers 11 and 15.

SO ORDERED.

Dated: New York, NY
April 20, 2020


United States District Judge